



**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER # 300**

**Relating to a Proclamation of an Energy Emergency**

**WHEREAS**, the health, welfare, and economic well-being of the citizens of Wisconsin depend on propane; and

**WHEREAS**, an extreme shortage of propane exists in the State of Wisconsin; and

**WHEREAS**, the long wait times at propane terminals and trucking of propane over long distances are making it difficult for propane transporters to meet demand and comply with the state and federal hours-of-service requirements; and

**WHEREAS**, Illinois, Iowa, Indiana and Minnesota are all operating under Hours of Service Exemptions due to extreme propane shortages in these states; and

**WHEREAS**, the Crop Progress report issued on November 9, 2009 by the National Agricultural Statistics Service indicates that the percentage of corn and soybean crops harvested is well below the five-year average due to unseasonable weather, creating significant stresses on the ability to condition harvested grain prior to its storage; and

**WHEREAS**, unseasonably cool and damp weather has resulted in significantly above-average crop moisture in the state's soybean and corn crops, requiring additional drying to condition grain for storage and to prevent the growth of mycotoxins in harvested corn; and

**WHEREAS**, grain elevators around the state are unable to process deliveries of harvested corn due to limited dryer capacity, jeopardizing the quality of Wisconsin's corn crop and creating a risk of significant losses for the state's producers; and

**WHEREAS**, with colder weather, many small businesses and residential consumers in Wisconsin will need to refill propane tanks for heating over the next several weeks; and

**WHEREAS**, in light of the foregoing, a critical shortage of propane in Wisconsin is creating the potential of serious economic losses for agricultural producers and may affect the health, welfare, and economic well-being of other consumers of propane, including businesses and residences with propane heating systems; and

**WHEREAS**, allowing the transportation of propane within this state, in a safe manner and as described in this order, will benefit the citizens of Wisconsin; and

**WHEREAS**, the Federal Motor Carrier Safety Administration does not object to me exempting drivers of commercial motor vehicles transporting propane from the Wisconsin and federal hours of service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code, Ch. Trans 327; and does not object to allowing this exemption to apply to the national system of interstate and defense highways;

**NOW, THEREFORE, I, JIM DOYLE**, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the Laws of Wisconsin

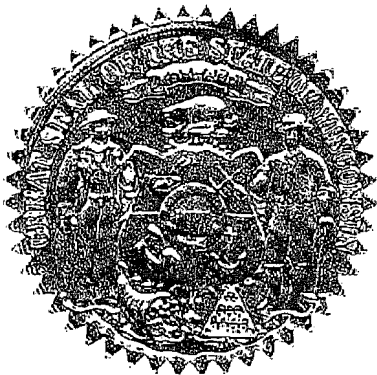
sections 323.10 and 340.01(15s) of the Wisconsin Statutes, and 49 C.F.R. sections 390.23 and 390.25, hereby declare the present shortage of propane to be a natural disaster and hereby proclaim the entire State of Wisconsin to be in a state of emergency for a period of two weeks, effective beginning November 17, 2009, and expiring December 1, 2009.

**PURSUANT** to said state of emergency, by virtue of the authority vested in me by the Constitution and Laws of Wisconsin, sections 323.10 and 340.01(15s) Wisconsin Statutes, and 49 C.F.R. sections 390.23 and 390.25, I HEREBY ORDER THAT:

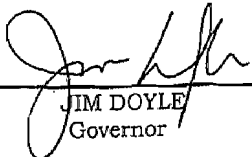
(1) Carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting propane are exempted from Wisconsin and federal hours of service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code, Ch. Trans 325 and 327. This exemption applies to all highways in Wisconsin, including the national system of interstate and defense highways.

(2) No motor carrier operating under the terms of this emergency declaration shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given at least 10 consecutive hours off-duty before the driver is required to return to service.


(3) This order does not suspend the operation of any state or federal laws within the State of Wisconsin except as specifically described in the order. All other laws remain in full force and will be enforced. This order does not authorize any person transporting propane to exceed any statutory vehicle weight, width, length, or height limit. This order does not authorize the use of unregistered or improperly registered vehicles. Vehicles registered in other jurisdictions and not entitled to reciprocity, or not registered for use in Wisconsin through the International Registration Plan, must obtain a permit as provided in section 341.41, Wis. Stats. Motor carriers transporting propane for hire must have proper authority to operate in this State, as provided by section 194.04, Wis. Stats., and must meet the insurance requirements of sections 194.41 or 194.42, Wis. Stats. Carriers must satisfy all ordinarily applicable federal and Wisconsin requirements concerning vehicle equipment, vehicle operations and driver qualifications and conduct.



**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this seventeenth day of November in the year two thousand nine.

  
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JIM DOYLE  
Governor

By the Governor:

  
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DOUGLAS LA FOLLETTE  
Secretary of State